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Summary record (partial)* of the 3156th meeting
Held at the Palais Wilson, Geneva, on Monday, 30 March 2015, at 3 p.m.

Chairperson: Mr. Seetulsingh (Vice-Chairperson)

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Follow-up to Views under the Optional Protocol to the Covenant (*continued*)

* No summary record was prepared for the rest of the meeting.

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In the absence of Mr. Salvioli, Mr. Seetulsingh (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.05 p.m.

Follow-up to Views under the Optional Protocol to the Covenant (*continued*)

Follow-up progress report on individual communications (continued) (CCPR/C/113/R.3)

1. **The Chairperson**, pointing out that designating dialogues as ongoing implied the possibility of having to discuss the same case on more than one occasion, suggested that the Committee should consider waiting until the dialogue was over before issuing an assessment. He invited the Special Rapporteur on follow-up to Views to resume the presentation of the follow-up progress report.

2. With regard to case No. 1611/2007 (*Bonilla Lerma v. Colombia*), **Mr. Iwasawa** (Special Rapporteur on follow-up to Views) said that the author had been informed that the Intersectoral Standing Commission on Human Rights and International Humanitarian Law would notify the Committee when a decision had been reached regarding his compensation. Accordingly, the Committee should assign the rating of C1 for both the remedy and non-repetition and the mention of "no information" regarding the publication of the Views and should conclude that the dialogue was ongoing.

3. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 1611/2007.

4. *It was so decided.*

5. **Mr. Iwasawa** said that there had been a positive outcome in case No. 2007/2010 (*X. v. Denmark*), as the refugee appeals board had granted the author a residence permit and the Committee's Views had been published on the Ministry of Foreign Affair's website. Therefore, the State party should receive an A rating for both effective remedy and publication of the Views but a mention of "no information" with regard to non-repetition. A reminder should be sent to the author to confirm receipt of the permit, pending which the dialogue should be considered as ongoing.

6. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur regarding case No. 2007/2010.

7. *It was so decided.*

8. **Mr. Iwasawa** said that the Committee should conclude that the dialogue was ongoing in cases No. 1620/2007 (*J.O. v. France*), No. 1760/2008 (*Cochet v. France*) and No. 1928/2010 (*Mann Singh v. France*) because the Committee was seeking a meeting with a representative of the State party to discuss its failure to implement the Views. However, given the State party's rather clear stance, he also suggested that, once the meeting had taken place, the Committee should suspend the follow-up procedure.

9. **Mr. Shany**, referring to case No. 1928/2010 (*Mann Singh v. France*), asked why the State party did not receive an E in the assessment since it had made clear that it would not comply.

10. **Mr. Iwasawa** replied that E was not the appropriate rating because refusal did not constitute going against the recommendations of the Committee.

11. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to all three of the cases against France.

12. *It was so decided.*

13. Turning to case No. 2024/2011 (*Israil v. Kazakhstan*), **Mr. Iwasawa** said that the embassy of Kazakhstan in China had reported that the author had been released from jail. Nevertheless, the Committee's assessment should be C1 in respect of compensation and B2 in respect of effective measures for the monitoring of the author's situation, while the mention "no information" should be applied to the publication of the Views and non-repetition. In addition, the standard line regarding the Committee's decision that the dialogue was ongoing should be inserted after the assessment.

14. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, regarding case No. 2024/2011.

15. *It was so decided.*

16. Concerning case No. 2104/2011 (*Valetov v. Kazakhstan*), **Mr. Iwasawa** said that, although representatives of the embassy of Kazakhstan in Kyrgyzstan had visited the author, he had been prevented from filing a complaint regarding his extradition to Kyrgyzstan. That fact had been submitted to the State party; therefore, the Committee should conclude that the dialogue was ongoing and should apply a C1 rating to compensation and a B2 rating to effective measures for the monitoring of the author's situation. No information had been received on either the publication of the Views or non-repetition.

17. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 2104/2011.

18. *It was so decided.*

19. **Mr. Iwasawa** said that, in case No. 2155/2012 (*Paksas v. Lithuania*), the Committee's Views had been posted to the website of the agent of the Lithuanian Government before the European court of Human Rights; that the parliament of Lithuania had established an ad hoc commission on the restoration of President Rolandas Paksas' civil and political rights; and that a bill containing amendments to the Constitution regarding inter alia the conditions to run for parliament was under discussion. Accordingly, the Committee's assessment should be of B2 for revision of the life-long prohibition on the author's right to stand for office and non-repetition and A for publication of the Views. Moreover, the dialogue should be considered as ongoing.

20. **Mr. Rodríguez-Rescia** said that, given that the amendments had yet to be adopted, C1 would be a more accurate assessment than B2.

21. **Mr. Iwasawa** replied that the fact that the amendment process was under way was enough to warrant a B2 rating.

22. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals in respect of case No. 2155/2012.

23. *It was so decided.*

24. Taking cases No. 1469/2006 (*Sharma v. Nepal*), No. 1761/2008 (*Giri v. Nepal*), No. 1863/2009 (*Maharjan v. Nepal*) and No. 1865/2009 (*Sedhai v. Nepal*) as a group, **Mr. Iwasawa** said that the adoption of the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act had considerably weakened the possibility of implementing the Committee's Views. The Committee was awaiting the State party's submission in all four cases; therefore, it should conclude that the dialogue was ongoing.

25. **The Chairperson** said he took it that the Committee wished to adopt the decision proposed by the Special Rapporteur in relation to all four cases against Nepal.

26. *It was so decided.*

27. **Mr. Iwasawa** said that the author's name should be replaced by the letter X in case No. 1908/2009 (*X. v. Republic of Korea*). The Committee's Views had been published in the Official Gazette, along with their Korean translation; the deportation order against the author had been revoked and he had been granted a visa to remain in the country. The State party should receive an A rating for both effective remedy and publication of the Views but a "no information" mention with regard to non-repetition. The dialogue should be considered as ongoing, pending confirmation by the author that he had received a residence permit on humanitarian grounds.

28. **The Chairperson** said he took it that the Committee wished to adopt the assessment and decision in case No. 1908/2009.

29. *It was so decided.*

30. **Mr. Iwasawa** said that, in case No. 1304/2004 (*Khoroshenko v. the Russian Federation*), no measures had been taken to provide the victim with an effective remedy; therefore, a reminder had been sent to the State party to submit its observations and the dialogue was considered as ongoing.

31. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to case No. 1304/2004.

32. *It was so decided.*

33. Regarding case No. 2008/2010 (*Aarrass v. Spain*), **Mr. Iwasawa** said that the Committee had received a submission from the author's counsel expressing concern for the author's safety and including two articles that had appeared in the Moroccan press denying the author's allegations of torture. The submission had been transmitted to the State party and the dialogue was ongoing.

34. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to case No. 2008/2010.

35. *It was so decided.*

36. **Mr. Iwasawa** said that the dialogue was ongoing in case No. 1887/2009 (*Peirano Basso v. Uruguay*), in which the author alleged that the suspension of his licence to practise law violated the presumption of innocence and that his trial had been unduly delayed.

37. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposed decision with regard to case No. 1887/2009.

38. *It was so decided.*

39. **Mr. Iwasawa**, referring to case No. 1769/2008 (*Ismailov v. Uzbekistan*), said that the Committee had received a number of submissions from the State party, in which it had reported that the Supreme Court had not found any grounds to revise the decision of the Military Court, that the author's husband was in satisfactory condition and that he had not filed any complaints with the department of corrections. Retrial or release, appropriate reparation and non-repetition should all receive a C1 rating, while publication of the Views should be given a "no information" mention. The dialogue should be considered as ongoing.

40. **The Chairperson** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to case No. 1769/2008.

41. *It was so decided.*

42. Turning to cases Nos. 1914/2009, 1915/2009 and 1916/2009 (*Musaev v. Uzbekistan*), **Mr. Iwasawa** said that, according to the State party's submission, the author's son had received adequate medical attention while in detention, was in satisfactory condition, had been permitted to see relatives and had never requested a lawyer. He suggested a C1 rating

in respect of the investigation and non-repetition; a C2 rating regarding retrial or release and full reparation; and a "no information" mention for the publication of the Views. The dialogue was ongoing.

43. **The Chairperson** said he took it that the Committee wished to adopt the Special Rapporteur's proposals regarding cases Nos. 1914/2009, 1915/2009 and 1916/2009.

44. **Mr. Iwasawa** said that the final paragraph of the draft would be recast to reflect the fact that meetings with the representatives of Bosnia and Herzegovina and France would be postponed until July 2015.

45. *The follow-up report on individual communications (CCPR/C/113/R.3), as a whole, was adopted, subject to editorial amendments.*

The discussion covered in the summary record ended at 3.30 p.m.